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EXHIBIT K

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DEPARTMENT OF DEFENSE
JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 09360

JTF-GTMO-CG 2 May 2003

MEMORANDUM FOR Mr. John [illegible], Director, Joint Intelligence Group (JIG), Joint Task Force Guantanamo, Guantanamo Bay, Cuba, APO AE 09360

SUBJECT: Commander's Inquiry, Allegation of Inhumane Treatment

1. During a recently completed commander's inquiry, several areas in the intelligence collection process were identified as requiring training and/or corrective action. All these areas of concern, as noted below, must be addressed and corrected immediately.

a. Counsel and provide re-training to the team involved in this interrogation to ensure they understand the approved interrogation techniques and practices and their limitations. Additionally, you will provide training to all members of the JIG on approved interrogation techniques and approval levels within 7 days of receipt of this memorandum.

b. Immediately cease the use of the "Fear Up Harsh" interrogation technique.

c. Contractor personnel may not review and approve interrogation plans. Effective immediately, only Department of Defense personnel may review and approve interrogation plans.

d. Military Police personnel may not participate in interrogations. Their role is strictly for security and safety of all involved. Coordinate with [redacted] to establish a standard operating procedure for military police personnel in the interrogation facilities. This SOP must be completed no later than 9 May 2003.

e. It became evident during the inquiry that a sense of mistrust exists between the contractors and military personnel in your organization. You will take the appropriate measures necessary to ensure that all JIG personnel understand the one-team concept and the importance of maintaining professional working relationships. You will also establish and ensure that all members understand appropriate chain-of-command reporting requirements.

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2. You will notify me, in writing, not later than 14 May 2003 of all actions taken and training completed in order to comply with the concerns addressed in this memorandum.

GEOFFREY D. MILLER
Major General, U.S. Army
Commanding

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REPLY TO ATTENTION OF

DEPARTMENT OF DEFENSE
JOINT TASK FORCE GUANTANAMO
GUANTANAMO BAY, CUBA
APO AE 09360

JTF GTMO-SJA 30 April 2003

MEMORANDUM FOR Major General Geoffrey D. Miller, Commander, Joint Task Force Guantanamo, Guantanamo Bay, Cuba

SUBJECT: (U) Results of Commander's Inquiry, re: Allegation of Inhumane Treatment of [redacted]

1. (U) On 29 April 2003, you directed me to conduct an inquiry into allegations of inhumane treatment on 22 April 2003, against [redacted] The inquiry was based upon a complaint filed by [redacted] an ACS interrogator. The allegation purported that two members of the Military Police, Sergeant [redacted] nd [redacted] were physically abusing the above-mentioned detainee at the direction of interrogator, [redacted]

2. (U) The following individuals were interviewed: [redacted] was on leave and not available for interview.

3. ~~(S//NF)~~ Synopsis of Interviews:

a. ~~(S//NF)~~ The allegation by [redacted] states, "...they [MPs] pushed in the back of the detainee's knees with their knees, taking the detainee to his knees. Then holding the detainee by his upper arms they slammed his upper body to the floor." During his interview, he stated this procedure was repeated 25 – 30 times. He also stated, in both his written and verbal statements that the floor was shaking with such force that [redacted] as well as the next booth over were shaking. [redacted] stated that as the detainee was forced to the floor, he turned his head so the side of his face was hitting the floor. He further stated that the force being used on the detainee caused [redacted] great concern for the detainee's safety. [redacted] soon exited the building to call his supervisor, [redacted] [redacted] verbal and written statements corroborate [redacted] allegation that the MPs pushed the detainee to the floor, by applying force to the back of his knees, in a violent manner. She estimated this activity happened approximately 18 times, but was unsure of precise count. She corroborated (b)(1)

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(b)(1)

(b)(1) the intensity of the shaking of the [redacted]. [redacted]eported that she saw [redacted] of the detainee each time he was forced to the ground. She further stated that she witnessed [redacted] and [redacted]ughing while this activity was taking place. There is no doubt that both [redacted] and [redacted]elieve that the interrogator was frustrated and took his frustrations out on the detainee and that this was not a professional interrogation.

b. ~~(S//NF)~~ [redacted] was interviewed about his role in reviewing and approving the interrogation plan. [redacted] was the acting team chief in the absence of [redacted]. He stated that he reviewed and approved the plan but did not talk with the team about any aspect of it. He indicated that unless he saw something out of the ordinary it was not his role to speak to the teams about their plans. When asked about what was involved with the technique "fear up harsh" he stated that it was normally yelling, perhaps flicking the lights off and on but did not involve physical force or exercises. He stated that he was unaware of any policy that authorized the assistance of military police in the interrogation booth.

c. ~~(S//NF)~~ Interviews wi[redacted]ll provided similar testimony. This testimony starkly contrasted the statements of [redacted] and [redacted] This testimony, in summarized terms is as follows. [redacted] was the "guest" interrogator on 22 April 2003, assisting the [redacted] Team and was brought in strictly to use Fear Up Harsh techniques in an effort to collect intelligence information from [redacted]. According to team members, [redacted] was not successful in obtaining information and they believed a male interrogator would be more successful. This was the second time [redacted] interrogated [redacted] using fear up harsh techniques. This interrogation involved confrontational direction and yelling at the detainee. When the detainee did not comply with request for information, it was later decided that he should use "up and down PT exercises" during the course of his interrogation in an effort to induce compliance and try to make him answer questions. At this time, the military police (MPs) [redacted] and [redacted] were positioned on either side of the detainee with [redacted] directly in front of the detainee. The MPs were not briefed on how to conduct the technique or if there were any limitations other than the safety of all concerned. Each MP secured a two-point contact with the detainee placing their hands below his elbow and on his tricep for control. [redacted] then began to yell "Down" and "Up" at which time the detainee was expected to kneel and then stand up. The MPs assisted the detainee with the movements, maintaining constant control at all times. According to the team members, the exercises occurred 10-15 times over a period of 45 minutes. [redacted] stated that he stopped because the MPs were tired and use of the technique did not produce the desired result. The interrogation was then stopped and the detainee returned to his cell. [redacted]

(b)(6) [redacted]. All concerned believed that the technique was appropriate, approved, applied properly and was common practice in the teams.

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d. ~~(S//NF)~~ According to the testimony of [redacted]ey were called in by the interrogator and asked to assist with exercises. They were not briefed but indicated that they understood what was needed. They had positive control of the detainee and then the interrogator yelled for the detainee to drop. The detainee voluntarily dropped to his knees very rapidly and they assisted him with standing up. They did not control the detainee's descent but did assist when the interrogator yelled for the detainee to stand up. They deny using any force to put him to his knees. According to testimony, at no time did the MPs lose control of the detainee. All parties deny that the detainee's head even came close to hitting the floor. All members stated that the loud noise and potential shaking of the floor was a result o[redacted] stomping his foot each time the detainee knelt on the floor. [redacted] stated this was done to create an effect, and to startle the detainee. Although the MPs were not sure of the limitations on techniques, they believe that they acted properly and ensured that the detainee was not injured during the exercises.

(b)(1)

e. (U) [redacted] stated that he was [redacted] observing the interrogation. He stated that he could not watch the interrogation at all times [redacted] He did not observe anything that he thought was wrong or inappropriate. (b)(1)

f. ~~(S//NF)~~ [redacted] was interviewed about her participation in the interrogation planning and the actual interrogation. She stated that she had been interrogating [redacted] for over one month and had not been successful obtaining information. She was asked who's idea it was to use MPs to assist detainee with exercise during an interrogation and she stated everyone talked about it but wasn't sure whether this was in the SOP or not. She stated that the team believed that this technique (fear up harsh and compulsive exercises) would "shake up" the detainee and make him provide information. She left the interrogation before [redacted] started interrogating the detainee and so does not know what happened.

g. ~~(S//NF)~~ [redacted] were interviewed about the interrogation process and the use of the fear up harsh technique. They were not aware that this technique (compulsive physical exercise) was being used. [redacted] indicated that [redacted] (previous JIG commander) had approved the use of MPs to assist interrogators but this practice consisted of MPs assisting detainees up and down from a seated position to keep them awake during interrogations or to take detainees out to walk around. He stated that using force to seek compliance from the detainee had never been approved. [redacted] was also aware that compliant detainees were asked to stand and sit but this did not involve any force or assistance from MPs and was done by the detainee at the request of the interrogator. They addressed their concerns that the contractor personnel did not inform [redacted] of their concerns but instead reported this incident through contractor channels.

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4. ~~(S//NF)~~ A medical examination of the detainee was made and superficial bruising was found on his forearms and biceps, a right knee abrasion, a small abrasion on his left ankle from what appears to be a shackle, and some swelling of his kneecaps. These injuries appear to be consistent with the compulsory exercises that were conducted on 22 April 2003 but there is no way to know when these injuries occurred other than recently.

5. ~~(S//NF)~~ Throughout the course of the inquiry, areas were identified as requiring training and/or corrective action. These items and recommendations are as follows:

a. ~~(S//NF)~~ The interrogator did direct the MPs to use force on [redacted] for the purpose of obtaining compliance and the detainee appears to have received superficial injuries as a result. The command has not approved this technique and the leadership was unaware that it was being used. The personnel involved believed they had approval to use this particular technique. Although no serious harm resulted, this incident requires the command to review procedures, approval levels, and training. [redacted] (b)(5)

b. (S//NF) There seems to be confusion by interrogators and analysts as to whether the fear up harsh technique was approved verbally or was in the SOP but they stated that "everyone" knew about this technique and they thought it was approved. [redacted] (b)(5)

c. (U) Contractors cannot review and approve interrogation plans, as this requires discretionary decisions on behalf of the government. Recommend [redacted] (b)(5)

d. (U) Military Police stated that they have SOPs for Camp Delta but no guide lines for the interrogation areas. They stated that they do not know what the limitations or and whether they should participate in any aspect of the interrogation process. Recommend that [redacted] (b)(5)

e. (U) Tensions, hard feelings and mistrust between the contractors and military personnel became evident during the interviews. [redacted] (b)(5)

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6. (U) The point of contact for this memorandum is the undersigned at [redacted]

[redacted]
Staff Judge Advocate

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Classification: S E C R E T
Caveats: NONE

INTERROGATION PLAN

ISN: [redacted]
Source Name: [redacted]

Languages Spoken: [redacted]

Team: [redacted]
DoD Team Chief:
DoD Team Chief Phone #:

Interrogator: [redacted]
LEA: NA
Analyst:

Language Requested: [redacted]
Linguist Requested: NONE

Date/Time of Interrogation: 22 APR 03/1630
Estimated Duration: 6 HOURS
Date of Last Interrogation: 21 APR 03

Previous Reports-

Number	Subject
VARIOUS IIRs	VARIOUS SUBJECTS
302s	VARIOUS SUBJECTS
MFRs	VARIOUS SUBJECTS
KB	BACKGROUND, ROUTE OF TRAVEL

Past Reliability: UNDETERMINED

Behavioral Analysis Assessment: YES FROM BSCT

Correspondence To/From Detainee: TO/FROM FAMILY IN [redacted]

Purpose of Interrogation/Requirements:

[redacted]

(b)(1)

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[redacted]

(b)(1)

Maps/Graphics/Photos/Interrogation Aides Required: PICTURE OF ISN [redacted] (b)(1)

Translation Method: N/A

Recording Method: NONE

Approach/Rapport-
Previous Approaches/Incentives Used/Detainee Concerns: [redacted] (b)(1)

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INCENTIVES.

Tentative Approaches/Incentives: [redacted] (b)(1)

Physical Layout of Interrogation Room/Location of Personnel:

[redacted] (b)(1)

Sequential Questioning Plan

Topic	Controllable Material	Questioner
[redacted]		

1. [redacted] (b)(1)

2. [redacted]

3. [redacted]

4. [redacted]

5. [redacted]

6. [redacted]

[redacted]

(b)(1)

7. [redacted]

8. [redacted]

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Classification: SECRET
Caveats: None

JTF GTMO – BSCT 15 April 2003

MEMORANDUM FOR RECORD

SUBJECT: [redacted]

ID: [redacted]

Intelligence summary [redacted] has admitted to being in an Al-Qaida training camp at Al-Farouq. He stated that he did not train there but admitted his association with Al-Qaida. [redacted] has successfully identified several personnel from photographs associated with the attack on the USS Cole in Yemen. [redacted] stated that he worked for a [redacted] organization. [redacted] has been identified as a [redacted] for [redacted] by numerous detainees at GTMO and also has ties to many [redacted] to include suspects from the attack on the USS Cole. He was arrested in [redacted] on the Afghanistan/Pakistan border traveling with [redacted]

Psychiatric Hx: [redacted] is not currently under Mental Health Treatment.

Medical Hx: [redacted] is seen regularly at the Detainee Fleet Hospital for minor aches and pains. He has been evaluated by medical staff since he refuses food every other day (Verified by L-Block DAR). He was treated for Hemorroids in 2002 and has no current medical conditions to be aware of.

Medications: Motrin PRN. No standing prescriptions.

Impressions: Detainee responded very well at first to the interrogator when he expressed concern and willingness to listen. [redacted] began providing information on his whereabouts [redacted] This is the first time in Months that this detainee has provided any information relevant to his intelligence requirements. As with previous interrogations detainee refused to name individuals that he worked or traveled with. Detainee closed his eyes and stated that he was going to refuse to answer. Detainee appeared to be calm and in control of the situation at that time. The interrogator's attempts to ease the situation and offer to "talk" were ignored by [redacted] During breaks, while the interrogator was out of the room, [redacted] began praying and exhibited signs of distress. The interrogator continued to talk to [redacted] with the aid of a US Navy linguist but Detainee refused to answer. As discussed with the assigned TIGER TEAM interrogator switched to a [redacted] The interrogator removed chairs from the vicinity of the detainee and told him to sit down and stand up in order to "wake him up" since [redacted] had stated that he was too tired and sleepy to talk to him [redacted]). Two Military Policemen were called into the booth to assist the detainee both on the way up and the way down. The MP's maintained positive control of the detainees throughout the 35-45 min session during which [redacted] was made to sit down and stand up for about 15 times. At no time did the Military police allowed [redacted] head to come near the floor. Since [redacted] provided information earlier in

(b)(1)
(b)(1)
(b)(1)

Classification: SECRET
Caveats: None

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Classification: ~~SECRET~~
Caveats: None

the interrogator, a decision was made the TIGER TEAM and the BSCT member to send [redacted] back to was sent back to his cell in order to allow him time to eat and pray.

Recommendation:

Detainee responded very to the interrogator being willing to talk to him. He still refuses identify other people, possibly because he is still afraid of "being put to death" by US Courts". The interrogator should be able to gain further information if the TIGER TEAM can stress to him that his cooperation will influence the outcome of his trial

MEMORANDUM FOR RECORD

Date: 4/26/2003

To: [redacted]

From:

RE: INCIDENT ON 22APR03

THE FOLLOWING INCIDENT TOOK PLACE ON 22 APRIL 2003 AT CAMP DELTA, GTMO. AT APPROXIMATELY 2030 HOURS [redacted] AND I WERE IN MONITORING ROOM 5 IN GOLD BUILDING OBSERVING THE APPROACH TECHNIQUE OF [redacted] A FELLOW INTERROGATOR. [redacted] WAS INTERROGATING IN INTERROGATION ROOM 4. MONITORING ROOM 5 OVERLOOKS BOTH INTERROGATION ROOM 4 AND INTERROGATION ROOM 6. AT THIS TIME THERE WAS AN INTERROGATION OF ANOTHER DETAINEE TAKING PLACE IN INTERROGATION ROOM 6. [redacted] AND A [redacted] NAVY ANALYST WHOSE NAME I DO NOT RECALL WERE ALSO IN MONITORING ROOM 5 OBSERVING THIS INTERROGATION. IN INTERROGATION ROOM 6 I SAW [redacted] A MILITARY LINGUIST, TWO DETAINEE ESCORTS, AND A DETAINEE. THE DETAINEE WAS STANDING A LITTLE BACK FROM CENTER OF THE ROOM. [redacted] WAS IN FRONT OF THE DETAINEE THE TWO EXCORTS WERE ON EITHER SIDE OF THE DETAINEE HOLDING THE DETAINEE BY HIS UPPER ARMS. THE LINGUIST WAS STANDING IN BACK OF THE DETAINEE. THE TWO ANALYSTS IN THE MONITORING ROOM HAD A SPEAKER PLUGGED INTO THE AUDIO OUTPUT FROM ROOM 6 AND [redacted] (b)(1) I HAD ONLY ONE EARPIECE IN SO THAT I COULD TRANSLATE THE ARABIC [redacted] WAS SPEAKING TO [redacted] WHO DOES NOT SPEAK ARABIC. OVER THE SPEAKER THAT [redacted] AND THE OTHER ANALYST WERE USING I COULD HEAR [redacted] BECOMING LOUDER AND LOUDER IN HIS INTERROGATION. [redacted] WAS REPEATING THE SAME QUESTION, "WHAT WERE YOU DOING IN PAKISTAN?" TO THE DETAINEE. THE DETAINEE IN MY OPINION SEEMED INCOHERENT. (NOTE: AS AN INTERROGATOR I HAVE SEEN DETAINEES FEIGN INCOHERENCE TO AVOID INTERROGATION, BUT SUCH WAS NOT THE CASE HERE IN MY ESTIMATION.) [redacted] WAS REPEATING THE QUESTION OVER AND OVER, IN RAPID FIRE FASHION, SO QUICKLY THAT THE INTERPRETER WAS NOT KEEPING UP WITH THE QUESTIONING AND THE DETAINEE WOULD NOT HAVE BEEN ABLE TO ANSWER WITHOUT INTERRUPTING [redacted]. [redacted] THEN SHOUTED "DOWN" AND THE TWO DETAINEE ESCORTS PUSHED THE DETAINEE TO THE FLOOR. WHEN I SAY PUSHED TO THE FLOOR I MEAN THEY PUSHED IN THE BACK OF THE DETAINEE'S KNEES WITH THEIR KNEES, TAKING THE DETAINEE TO HIS KNEES. THEN HOLDING THE DETAINEE BY HIS UPPER ARMS THEY SLAMMED HIS UPPER BODY TO THE FLOOR. THIS SERIES OF MOTIONS WAS ALL DONE IN ONE SWIFT MOVEMENT, SO THAT THE DETAINEE WENT FROM A STANDING POSITION TO A PRONE POSITION ALL AT ONCE. THE FORCE WITH WHICH THE DETAINEE'S BODY HIT THE FLOOR WAS SUCH THAT [redacted] IT [redacted] (b)(1) WAS INTERROGATING. IMMEDIATELY BEFORE THE DETAINEE WAS PUSHED TO THE FLOOR, [redacted] (b)(1) AND THE NAVY ANALYST WERE LAUGHING ABOUT THE TREATMENT OF THE DETAINEE. THE DETAINEE WAS SLAMMED TO THE FLOOR IN THIS

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MEMORANDUM FOR RECORD: INCIDENT ON 22APR03

MANNER SEVEN TO EIGHT TIMES. [redacted] WOULD YELL "DOWN" IMMEDIATELY PRECEDING EACH TIME THE DETAINEE WAS SLAMMED TO THE FLOOR. AFTER THE FIRST TWO SLAMS I TOOK OUT MY EARPIECE AND OBSERVED THE HAPPENINGS IN ROOM 8. [redacted] WAS ONCE AGAIN ASKING THE DETAINEE, "WHAT WERE YOU DOING IN PAKISTAN?" WHEN, AFTER 5 TO 10 MINUTES OF THIS IMPOSSIBLE-TO-ANSWER, RAPID FIRE QUESTIONINGTHE DETAINEE WOULD NOT ANSWER, [redacted] SHOUTED "DOWN," AND THE SLAMMING PROCESS TOOK PLACE APPROXIMATELY TEN TO TWELVE MORE TIMES. THE DETAINEE WAS BEING SLAMMED TO THE FLOOR SO HARD THAT I WAS CONCERNED FOR HIS SAFETY. THE FORCE WITH WHICH THE DETAINEE HIT THE FLOOR WAS, IN MY ESTIMATION, ADEQUATE TO CAUSE SEVERE INTERNAL INJURY. I LEFT THE MONITORING ROOM, ALONG WITH [redacted] TO CALL MY SUPERVISOR AND REPORT THIS INCIDENT. AS WE LEFT I COULD HEAR [redacted] SHOUTING "DOWN" AND I ALSO HEARD IMMEDIATELY FOLLOWING EACH "DOWN" NOISES CONSISTENT WITH THE SOUND THAT WAS MADE WHEN THE DETAINEE WAS SLAMMED TO THE FLOOR. I HEARD THIS COMBINATION OF SHOUTS AND THUDS SIX TO SEVEN MORE TIMES AS I EXITED THE BUILDING. [redacted] AND [redacted] REMAINED AT GOLD BUILDING WHILE I WENT TO MAKE THE PHONE CALLS. WHEN I ARRIVED AT BUILDING 8, I ATTEMPTED TO CALL MY SUPERVISOR, [redacted] BUT GOT NO ANSWER. I THEN WALKED BACK DOWN TO GOLD BUILDING WHERE [redacted] GAVE ME THE NUMBER TO CALL [redacted]. I TOLD [redacted] THERE WERE THINGS GOING ON AT THE CAMP THAT COULD ADVERSELY AFFECT THE MISSION AND THAT I NEEDED HIS GUIDANCE ON HOW TO PROCEED. [redacted] TOLD ME HE WOULD COME TO CAMP DELTA, ALONG WITH [redacted] AND DISCUSS THE MATTER. WHILE WAITING FOR THEM TO ARRIVE I SPOKE WITH [redacted] WHO WAS NOW AT BUILDING 5. [redacted] HAD APPARENTLY BEEN TOLD THAT I WAS REPORTING HIS CONDUCT TO MY SUPERVISOR. I HAD A CONFERENCE WITH [redacted] WHICH LASTED APPROXIMATELY TEN MINUTES DURING WHICH [redacted] TRIED TO CONVINCE ME THAT WHAT HE HAD DONE WAS PROPER. HE TOLD ME THAT WHEN THE GUARDS WERE TAKING THE DETAINEE TO THE FLOOR THEY WERE, AT THE VERY LAST SECOND, PULLING UP ON HIS ARMS TO LESSEN THE IMPACT, AND THAT THE LOUD SOUNDS I HEARD WERE ONLY BOOTS BEING STOMPED ON THE FLOOR. I TOLD [redacted] THAT AS AN EXPERIENCED INTERROGATOR, WHO HAD BEEN TRAINED BY AND SERVED IN THE US ARMY, I HAD NEVER SEEN IN FM 34-52 ANY SECTION DESCRIBING OR PRESCRIBING WHAT HE HAD DONE TO THE DETAINEE. [redacted] TOLD ME THAT HE HAD BEEN CALLED IN TO RUN THIS APPROACH ON THIS DETAINEE BECAUSE THE INTERROGATOR RESPONSIBLE FOR THIS DETAINEE HAD RUN "EVRY APPROACH, A TO Z, AND HAS GOTTEN NOWHERE." I TOLD [redacted] THAT I THOUGHT HE HAD JEAPORDIZED THE MISSION AND THAT MOST LIKELY WHOEVER INTERROGATED THAT SOURCE WOULD HAVE TO UNDO THE DAMAGE HE HAD DONE. I LEFT THE OFFICE WHERE WE HAD BEEN TALKING AND WALKED OUTSIDE WHERE I FOUND [redacted] AND [redacted] TO WHOM I RECOUNTED WHAT I HAD SEEN.

THE PERSONNEL I COULD NOT IDENTIFY BY NAME, I WOULD BE ABLE TO IDENTIFY BY SIGHT.

[redacted]

INTERROGATOR, ACS DEFENSE

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MEMORANDUM FOR RECORD

Date: 4/28/2003

To: [redacted]

From: [redacted]

RE: INCIDENT ON 22APR03

On 22 April 2003, at approx 2030L [redacted] accompanied me to monitor an interrogation done by [redacted] [redacted] speaks Arabic and would be able to translate the session for me; he also wanted to watch [redacted] techniques. We went to [redacted] building monitoring room 5; this monitoring room overlooks interrogation rooms 4 and 6. When we walked into a monitoring room we saw another interrogation in room 6 was going on. In the monitoring room was a female Army analyst and a male Navy analyst. The Army analyst was controlling the monitor and had a speaker so that both parties could hear the interrogation, the speaker was loud enough that I could hear it muffled even though I had headsets on. In the interrogation room was the interrogator [redacted] a male Navy interpreter, two male MPs and the detainee. They were all standing in the center of the floor. The MPs held the detainee by the upper arms. The interpreter was standing to the rear of the detainee and [redacted] was standing directly in front of the detainee. [redacted] was yelling questions at the detainee very rapidly, [redacted] he yelled "DOWN" the MPs then pushed the detainee to the floor with enough force to not only shake the camera in their interrogation room but also in the room that [redacted] was conducting his interrogation. He would then yell "GET UP" and the MPs would jerk the detainee up. Each time the female analyst first heard the word "DOWN" [redacted] (b)(6) The analysts in the monitoring room stood up to watch this as it was happening and was laughing about it.

[redacted] and I left the monitoring room, as we got up to leave, we observed this happening again as we were walking down the hall of Gold building to exit we could feel the force of detainee being pushed to the floor. [redacted] said he was going to call [redacted] I returned to the monitoring room. The interrogation in room 6 had ended and the military personnel left the room. The detainee was still standing in the center of the room [redacted] (b)(6) [redacted] returned to the monitoring room and told me he could not get a hold of [redacted] and asked me if I knew [redacted] telephone number. I gave him the number and he proceeded to call [redacted] left the monitoring room to meet with him. I remained there. At approximately 2145L the MPs came to take the detainee back to his cell. When they were shackling him for the move one of the MPs took his pulse. They left and I remained in the monitoring room until [redacted] was finished with his interrogation.

I am unaware of the names of the personnel involved with the exception of [redacted] however, I can identify the female analyst and one of the MPs.

[redacted]

Analyst, ACS Defense Inc.

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SECRET

Memorandum

I was notified about the individuals that were identified as being in the monitoring booth when the incident occurred. The individuals were identified to me, pointed out to me afterwards, and I recognized 2 of them as being in the Gulf States Regional Team.

1. [redacted] Team analyst
2. [redacted] Team Analyst
3. [redacted] the interrogator in the booth at the time, [redacted] Regional Team

The next day I contacted Escort Control at Camp Delta, under the auspices of a lost personal item, questioned the Escort Control as to which [redacted] team members had interrogations in Gold building. I was given a list of the detainees in Gold building, and specifically the ISN [redacted] was in Gold 6. [redacted] was the interrogator of record for this interrogation session, shown by the records of [redacted] Team for that day.

During the time [redacted] and I were discussing the incident with [redacted] I saw [redacted] come into the area between Buildings 5 and 6. The time was approximately 2200 hours, and [redacted] was dressed in a t-shirt and casual shorts. [redacted] entered Bldg. 5, and very shortly afterwards walked to Bldg 6 with [redacted]

The next day, [redacted] approached me and attempted to determine my opinion of the incident. He stated that he was concerned about the credibility of one of his interrogators being questioned. I stated it was not a matter of credibility; it was a case of an ACS employee seeing something that concerned him and wanted to advise his ACS boss of the matter.

[redacted] started describing the situation as one where no one could actually see what was occurring. [redacted] (b)(6) He also stated that the specific instance of the detainee hitting the floor only happened once or twice, and that the MPs had the detainee held at all times.

[redacted] expressed concern about a complaint being filed, and I advised him that, to the best of my knowledge, no one was filing anything at that time. [redacted] seemed to be relieved at that statement.

[redacted]

Senior Lead Interrogator
ACS Defense

SECRET

MEMORANDUM FOR RECORD **26 April 2003**

TO: [redacted] **(ACS PM)**

SUBJ: POSSIBLE INAPPROPRIATE ACTIVITIES

FM: [redacted]

1. I have been tasked to identify a possible inappropriate activities conducted during recent ICE sessions and document said activity.

2. On Wednesday, 22 April 2003, at approximately 2130 hours. I was approached by [redacted](ACS employee) who related to me that he had just witnessed a session that was totally inappropriate and bordered on criminal. He related the details of the session and pleading "devil's advocate" I asked if he was sure what he witnessed was what he witnessed; that as a opinion the perspectives are different from the different areas during a session. He confirmed that there was no question of perspective with what he witnessed and felt that given the seriousness of the situation that it should be referred to a higher level. I inferred that as a professional courtesy he should ask the military personnel [redacted] to explain his actions and then if their was no reasonable explanation to by all means refer the situation up the chain. Upon completion of the session; [redacted] and myself departed to a separate room where the incident was discussed. [redacted] explained his reasoning for the activities which took place in the session. [redacted] was attentive and listened to said explanation at which time he thanked [redacted] for his inputs. [redacted] then referred the situation to the next level.

3. On Thursday, 17 April 2003, at approximately 2100 hours, Gold Building. I took part as a monitor in a session conducted by my Tiger Team partner. During this session, I heard a loud disturbance and investigated it. I determined it's origin as that of another session. I entered the monitor area and found it to be quite crowded with a minimum of eight personnel consisting of ICE personnel as well as MP personnel. I watched the session as it transpired. This part of the session involved having the individual perform PT. This was accomplished by having MP personnel at the direction of the ICE personnel [redacted] force the individuals knees to unlock whereupon the individual fell knee first directly onto the floor of the room. This was repeated numerous times. The individual showed signs of physical discomfort and pain. The session then progress with the assistance of another ICE personnel [redacted]. At this point in time the session advanced into what can only be described as the proverbial "strip club lap dance". The ICE personnel [redacted] removed her overblouse behind the individual and proceeded stroking his hair and neck while uttering sexual overtones and making comments about his religious affiliation. The session progressed to where she was seated on his lap making sexual affiliated

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movements with her chest and pelvis while again speaking sexual oriented sentences. This then progressed to the individual being placed on the floor with her straddling him, etc. Needless to say many inappropriate comments were made during this time concerning the session and the area had the atmosphere of a party. During this period I became very uncomfortable and departed the monitoring are. I went to the MP monitoring area where I found approximately 4-6 personnel watching the session as well. Again derogatory comments flourished. I witnessed [redacted] (b)(1) [redacted] as well as a "guard" watching for any officer personnel. I questioned what I witnessed the next day and was informed that the activity per se was documented and produced results and as such was deemed appropriate/acceptable under the circumstances. I do not recall the individual names of the personnel in either the monitor area, the MP area, nor do I recall the name of the individual who informed that the activity was sanctioned.

4. On approximately Monday, 07 April 2003, during the mid evening hour I witnessed a session where ICE personnel [redacted] with assistance by MP personnel was forcing an individual to perform PT. Again this consisted of the MP forcefully unlocking the individuals legs and the individual falling to the floor onto his knees. Again, the individual showed visible signs of pain and discomfort. This lasted for approximately 15-20 minutes. Approximately, 20 minutes after this incident, I witnessed the same ICE personnel along with two MP's forcing individual to conduct PT by walking around the building. The individual showed signs of anger but no signs of pain or discomfort.

5. On approximately the latter part of March 2003, in the late evening, I again witnessed a session where the individual was forced to perform PT at the behest of ICE personnel and with the assistance of MP personnel. Again, this PT consisted of using force to bring the individual forcefully to his knees. I do not recall the names of the individuals involved during this session.

6. [redacted]

[redacted]

ACS Defense Analyst
Employee ID: [redacted]

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To [redacted]

On 22 April 2003, [redacted] Team had asked me if I would be able to assist in an interrogation involving a detainee who was not willing to cooperate with his interrogator. I went to my section chief and asked if it would be possible to assist them in this interrogation and upon receiving approval I then went ahead and told the [redacted] Team that I would be able to assist them. Once they told me what time they would go in and what approaches they would be doing I then met them at the interrogation booth located in Gold Bldg. Upon arrival they briefed me on the detainee as to who he was and what valuable intelligence he has. After we discussed the approach plan of what was to happen during this interview, I was told that I would be conducting a fear up harsh approach on the detainee provided he refused to answer any questions, which consisted of me yelling at the detainee and making him stand up and sit down.

Once I entered the booth, detainee acknowledged me and then continued praying. When I began asking him questions pertaining to his timeline and his activities in Bosnia detainee cooperated until asked about his associations with other personnel that traveled with him. Detainee stated he would not continue to cooperate of his own choosing, at which time he shut his eyes and refused to acknowledge both the interrogator and the linguist. At this time detainee stated he would only answer questions when he wanted to and would talk about things that only he wanted to talk about. As discussed with the TIGER TEAM OF [redacted] I began using the Fear Up Harsh with the detainee, which included, ~~yelling at the detainee and telling him that he wasn't a good Muslim and that Allah only helped out those who helped themselves.~~ Also detainee was instructed to stand up and sit down as a method of keeping him awake, this was accomplished by the two Military Police by lowering the detainee to the ground and assisting him both on the way up and the way down. ~~Several safety measures were in place which include the following: All objects were removed from the vicinity of the detainee; Military Police were present in order to assist detainee with interrogator's requests. Military Police had positive control of the detainee at all times in order to avoid the possibilities of injury to both the interrogator and detainee. A member of the BSCT was present during the interrogation in the booth in order to observe detainee reactions to the approach.~~ At no time was the detainee's head ever allowed to touch the floor and at no time was the detainee on the floor for more than 1-2 seconds. Detainee was asked to stand up and sit down for a total of ten to twelve times in a period of forty-five minutes. At that point it was decided to send the detainee back to cell by the [redacted] Tiger Team and the BSCT.

After the completion of the interrogation I returned to Bldg. 6, and was approached by a member of the [redacted] team [redacted] whom expressed his disagreement with the way the interrogation was held. [redacted] and I walked over to an empty office to discuss the interrogation in question. I began to explain as to why I approached the situation the way I did, in the presence of a third party. Despite my calm and rational demeanor [redacted] began to argue that the interrogator acted in an unprofessional manner and that my method was both unproductive and flat out "STUPID". [redacted] also mentioned to me that as an interrogator I acted both, "frustrated and had no other options than to use an approach that was so stupid." Needless to say, [redacted] didn't allow me to explain the situation before he made this judgment call on my person and credit as an interrogator. This statement from [redacted] was based wholly on his opinion both from his experience as an interrogator and never having worked in this type of situation and in the need for this type of approach. Despite the efforts of the interrogator to inform [redacted] of the events and planning that preceded tonight's interrogation he continued to state his discontent and informed that he would take this matter to higher authorities. I then contacted my immediate supervisor, which is [redacted] to inform him of the situation and find a resolution to this matter.

At no time was I, the MP'S or BSCT or any other member that was assisting with the interrogation out of line with the regulations allowed for JTF-GTMO. Regulations as well as the detainee safety was taken into account during the interrogation session at all times.

Respectfully,

[redacted]

JTF- GTMO.
EXT. [redacted]

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To [redacted]

This is a statement in regards to the situation that took place on the evening of 22 April 2003. The detainee whose personal safety is in question is [redacted] is assigned to [redacted] 2, which consists of [redacted] (interrogator) and [redacted] (analyst) and has recently been combined with Gulf States I [redacted] (Interrogator) and [redacted] (analyst). The combining of the two teams is to put forth a greater effort at extracting the intelligence value that this detainee has and is not giving. [redacted] is a member of the Dirty Thirty and he has been identified as one of UBL's bodyguards as well has having connections to the USS Cole bombing. Detainee has provided no information to interrogator prior to the combined efforts of [redacted] and [redacted], he has been speaking with [redacted] for four months but has been pulling his own approaches on interrogator with no avail.

I was present in the observation booth during the session in which we had asked for the assistance of [redacted] [redacted] has had the opportunity to speak with multiple female interrogators, because we were in the belief that he would cooperate fully with a female interrogator. However due to the lack of intelligence value that we are getting from him, we thought that we should try to send in a male interrogator to see if the detainee would respond in a different manner. Therefore, we requested the assistance of [redacted] Detainee did state that he would rather speak with [redacted] as opposed to the females that have been speaking with him in the past.

Prior to the session in which [redacted] was present I personally went down to the blocks to ensure that is dinner meal would be waiting for him at his cell when he returned back to the blocks. I was told by the block MPs (Lima) that his meal would be waiting until the end of their shift, which was at 2200. I made sure that [redacted] was returned to his block in time for his evening meal before the shift change occurred.

I was present in the observation booth both as assistance and observer for the session in which [redacted] was in the booth with [redacted] As directed by the plan in which [redacted] Tiger Team and also with the assistance of the BSCT team [redacted] went into the booth on friendly terms with the detainee. At this time the detainee had the opportunity to discuss an agreement that we were working on with said detainee. Detainee took to having [redacted] in the booth and tried to speak with him (which has not happened in the last three weeks). At this time detainee was questioned on his timeline in Bosnia, and later questioned about his connection to UBL. (Which is a confirmed connection through identifications from other detainees who were also part of the Dirty Thirty). When the detainee reached a point in the questioning in which he felt like he didn't want to answer, as according to the plan (our plan which consisted of the "harsh up" approach which involved yelling and kneeling on the ground. At no time did this consist of putting the detainee in any stress positions) in which [redacted] Tiger Team and also with the assistance of the BSCT Team, we started to do the Harsh Up approach with detainee.

Detainee stated that he was willingly refusing to answer questions regarding his associations with other people in Bosnia and Pakistan. At this time we requested the assistance of two military policemen in order to ensure safety on both the interrogator and the detainee. They entered the booth and immediately moved all chairs out of the vicinity in which interrogator and detainee were present. Detainee stated that he was tired and was refusing to answer any questions so [redacted] requested for detainee to stand up

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and kneel at which he refused to do on his own, so we requested the assistance of the Military Police. At no time did the Military Police remove their hands from the detainee so he was at all times being under positive control. Upon the "kneeling" portion the detainee was accompanied by [redacted] who stomped on the ground as they went down. The Detainee at no time had his face near the ground nor was he on the ground for more than one or two seconds at a time. This went on for about 45 minutes for a total of 12 to 15 "up and kneeling". This was not done at a constant stretch of time as [redacted] took breaks every five minutes to converse with myself as to how it was progressing.

The session was terminated due to the analysis on my part and with conjunction with discussion with the BSCT team that we exhausted all intelligence value that the detainee would put forth this evening. I also wanted to get the detainee back to his cell for his evening meal. The session was productive in that we got the Bosnia section of his timeline with a little bit of clarification, which has not been possible in the past.

The civilian in question, [redacted] was in the observation booth watching his own interrogation during the time that the session with [redacted]. During the session, [redacted] at NO time rose from his seat to become "observant" in the interrogation session, which involved [redacted] About three times [redacted] raised his eyes and glanced in the direction of my booth. Again, he never got out of his seat to actually observe what was going on with the interrogation in the booth. The stomping noise that was heard in the observation booth came not from the detainee but from [redacted] stamping his foot on the ground to create the noise.

At no time was either the interrogator or the MPs out of line with the regulations allowed for JTF-GTMO. Along with [redacted] the two MPs, the BSCT, and myself, I also had [redacted] observing in the booth as well. Nothing was done out of regulation and the safety of the detainee was taking into account at all times.

POC for this statement is the undersigned X[redacted]

[redacted]

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[redacted]

This statement regards the situation that took place on the evening of 22 April 2003. The detainee in question is [redacted] a confirmed [redacted] who is assigned to DOD [redacted] which consists of [redacted] (interrogator) and [redacted] My team, [redacted], which consists of [redacted] (interrogator) and myself (analyst), has recently been combined with [redacted] 2 to assist in exploiting [redacted] from the [redacted] Team was requested to assist in the interrogation as well, as we have had negative results with [redacted] when using female interrogators. In addition to myself, [redacted] of [redacted] 2 and [redacted] of the Behavioral Science Consultation (BSCT) were present in the observation booth during the mission. Initially, the detainee had the opportunity to discuss an "agreement" that we had prepared at the detainee's request, but he refused to sign said agreement, most likely due to the fact that he did not find the provisions reciprocal. At this point, [redacted] and myself requested [redacted] to use a [redacted] involving him yelling at the detainee in a harsh tone and making the detainee perform various physical tasks. Two MP's were brought into the interrogation room to assist [redacted] and for safety precautions. They entered the booth and removed all chairs from the vicinity of the detainee and the interrogator. [redacted] requested the detainee to kneel down and stand up, but the detainee refused to do this on his own, so the MP's assisted to assure his compliance. With hands firmly secured under the detainee's armpits and around his upper arms, the MP's guided the detainee to the standing and kneeling positions with the minimum force necessary. At no time did the MP's remove their hands from the detainee and he was under positive control throughout the mission. The detainee also never had his face or head near the ground, nor was he on the ground for more than one or two seconds at a time. This went on for about forty-five minutes with breaks every five minutes, during which [redacted] would come into the observation booth to consult with us on his progress. At one point during the "Up/Downs," the detainee began answering questions concerning his timeline in [redacted] but he immediately stopped revealing information when the questions began to focus on his associates, a course of action he has taken in previous interrogations. We terminated the session when we determined that we had exhausted all intelligence value that the detainee would put forth that evening. We also wanted to get the detainee back to his cell for his evening meal. The session was productive, though, in that we were able to acquire some clarification concerning the [redacted] portion of the detainee's timeline. [redacted] the ACS contractor who was in the observation booth during the mission watching an interrogation in the adjacent room, did not at any time voice any concern to or observe what was transpiring beyond a few fleeting glances. In conclusion, at no time was neither the interrogator nor the MP's out of line with the regulations allowed for JTF-GTMO and it is my reasoning that this situation has been blown entirely out of proportion and has been handled inappropriately by ACS personnel.

[redacted]

IS2, USN, [redacted]

[redacted]

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To: MG Miller

Additional Comments:

These memoranda were produced on an Unclassified ACS corporate owned laptop maintained in my residence (VL 41D). The files and temp files have been deleted from the drive. If you require that the hard drive be destroyed, please advise and I will either destroy the hard drive or provide it to the government for destruction and purchase a replacement and have the computer rebuilt. I instructed my employees to all use the same computer for this purpose so the information would not be accessible to other than whom intended. I currently have one floppy disk with these memoranda saved on it.

This issue has been widely discussed by military personnel at the camp beginning the evening of 22 April, 2003, and we are already realizing a rift between ACS employees [redacted]

ACS Defense/Program Manager

X-7474

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary. [redacted]

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
GTMO Camp Delta, Gold Building	2003/04/22	Approx 2100 [redacted]	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS
344th MP Co

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22 April 03 at approximately 2100 hrs, while working as a TIFF monitor in Gold Building. Myself and [redacted] were asked to assist on an interrogation conducted by Team [redacted] of the JIG. The detainee interrogated was [redacted] During the interrogation, Detainee [redacted] was refusing to cooperate with the JIG team questions. As a response to his uncooperative behavior, the interrogator told him to do "up and down" exercises. The interrogator requested us to assist Detainee [redacted] on the way up and on the way down, while maintaining positive control of him due to his uncooperative and prior aggresive behavior. [redacted] and myself assisted Detainee [redacted] on this exercises for about 30 minutes with break in between. No injuries or incidents happened while conducting this exercise [redacted]

Nothing Follows

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ___ TAKEN AT ___ DATED ___

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

STATEMENT OF [redacted] TAKEN AT DATED

9. STATEMENT *(Continued)*

[redacted]

nothing follows

[redacted] AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ______ day of ______________, ________ at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 136(b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

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JA-2

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Gold Building - Camp Delta GTMO

2. DATE (YYYYMMDD): 20030422 [redacted]

3. TIME: 2250 [redacted]

4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]

6. SSN: [redacted]

7. GRADE/STATUS: [redacted]

8. ORGANIZATION OR ADDRESS: 344th Military Police Company, Guantanamo Bay Cuba

9. [redacted] [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 22APR03 at approximately 2100hrs, while working as a JIFF monitor in Gold Building, myself and [redacted] were asked by member's of the interrogation team to assist in the interrogation of detainee [redacted]. During the interrogation process, the detainee was standing and all chairs were removed from around him.

Detainee [redacted] refused to answer questions and the interrogator told him to "Get up and down." In order to get "his blood moving." The detainee was uncooperative and the interrogator requested that we assist the detainee on the way up and down. Myself and [redacted] positioned on each side of detainee 044 and supported his upper arms. We maintained positive control of the detainee at all times and ensured that his head never came close to the floor. Even though the detainee forced himself down, his upper body was kept off the floor. This process lasted for about 30 minutes in which the detainee was given several breaks during. After this, a decision was made to send the detainee back to his cell. No injuries have been reported as of this time. End of statement [redacted]

[redacted] Nothing follows

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ______ TAKEN AT ______ DATED ______

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

DA FORM 2823, DEC 1998

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YdR

STATEMENT OF [redacted] TAKEN AT 2750 DATED 20030422

9. STATEMENT (Continued)

LEFT BLANK [redacted]

AFFIDAVIT

I [redacted] ____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS [redacted] 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF [redacted] INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ______ day of ______________, ________ at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 136 (B)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

DA FORM 2823, DEC 1998

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Camp Delta, Gold Building, Room #6	2003[redacted]22	Approx. 2100	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS
314th MP CO

9. [redacted] , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WHILE BEING ASSIGNED AS A JIF MONITOR IN GOLD BUILDING, ONE OF MY DUTIES ENTAILED WATCHING THE EVENTS BETWEEN DETAINEE [redacted] AND INTERROGATOR TEAM [redacted] OF JIG. FOR SAFETY REASONS AND PER THE TEAMS REQUEST, WE HAD TWO MP'S IN THE ROOM FOR ASSISTENCE. [redacted] (b)(6) [redacted] AT NO TIME DID THE INTERROGATOR STRIKE THE DETAINEE. THE M.P.'S PRESENT ASSISTED THE SESSION BY PERFORMING UP AND DOWN EXERCISES AT THE REQUEST OF THE TEAM. AT NO TIME DID THE DETAINEES FACE COME CLOSE TO STRIKING THE GROUND AND EVERYONE'S SAFETY WAS FIRST AND FOREMOST. CONTROL WAS MAINTAINED BY TWO POINTS OF CONTACT FROM THE M.P.'S AND ALL CHAIRS AND OTHER FOREIGN MATTER WERE CLEARED FROM THE ROOM. ALL OPERATIONS FOR THIS SESSION WERE WITHIN THE CAMP'S SOP'S AND NOT DEVIATED FROM. [redacted]

NOTHING FOLLOWS

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ____ TAKEN AT ____ DATED ____

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF [redacted] TAKEN AT DATED

9. STATEMENT *(Continued)*

[redacted]

NOT USED

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ______ day of ______________, ________ at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

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Narrative Medical Summary
Detainee [redacted]

Language: Arabic
26 April 2003

Medical Diagnoses

1. Latent TB, declined treatment
2. Hemorrhoids with anal fissure
3. Multiple hunger strikes
4. History of Depressive Disorder, NOS, in remission

Medications

1. None

Allergies – None

[redacted] year-old detainee was in-processed on 12Jan02. He has been seen 50 times by Medical and 27 times by Psychology since being in-processed; the last visit being on 11 Apr 03 for hyperventilation while in Reservation. No mention of these other issues made at that time and skin exam was not included in this evaluation. His in-processing weight was 178 lbs, his weight at the end of March was 169 lbs, and today's weight was 148 lbs. He has received two of three scheduled Tetanus-diphtheria immunizations, an MMR, a Hepatitis A vaccination and an influenza vaccination. He has had a positive PPD and a negative chest x-ray. He initiated treatment for Latent TB but stopped after completing 4 weeks of treatment.

He was followed extensively from 7 Mar 02 through 22 Jun 02 for 4 episodes of hunger striking. He was fed via feeding tube in April, but volunteered for refeeding in May and June of last year. He also did a hunger strike 06-17 Oct 02 which ended with his voluntary refeeding.

Today, I was requested to see him and address all of his medical complaints. An Arabic interpreter was available throughout the evaluation. He initially stated that I should ask Reservation as "they will tell you everything they have done". When I explained that I needed it from him so that I would get the full story, he agreed. He "doesn't want help" because he doesn't want 1 person to cause a problem to have another person fix it. He just wants us to "let me die from what they are doing to me". He states that he is on a hunger strike and has been without food for 16 days (per DOC he has taken intermittent meals to stay under the 9 consecutive meals for report). He states he is drinking water without a problem. He reports that Reservation has "dragged me across the floor" resulting in scrapes on his feet, jerked on the chains which have caused marks on his wrists, gripped the cuffs so that they tightened excessively causing marks on his wrists, lifted him up then "slammed" him down on his knees, made his mouth such that he was spitting up blood, made a tooth loose, bruised several areas of his upper arms and torso,

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and created pain on his L lower ribs. He denies trauma to the rib area but does not know how that area is causing him so much pain. He felt so bad last night that he tried to "cut" the artery in his neck with his fingernails. All of these things occurred over the last 14 days.

Review of Systems
HEAD: occasional headaches which involve the frontal area, no radiation, no worsening with either bright lights or loud sounds, sleep improves the headache some
EARS: occasional ringing in the ears, decreased hearing, all less than 2 weeks duration
NOSE: no bruising, no congestion, no bloody discharge
MOUTH: occasionally spitting up blood but unsure from what, tooth in upper jaw on the R is loose, bitterness coming up from the back of the throat and filling his whole mouth—all less than 2 weeks duration
NECK: slightly sore, no other complaints
CHEST: tender point in L upper chest which does not change with deep inspiration but is able to be found by pressing on it.
HEART: beats fast sometimes and the painful spot in his chest gets worse when it is beating fast
BACK: L sided back/flank area pain, unable to put any pressure on that area due to the pain. States he was kicked repeatedly in that area while at Kandahar.
ABD: stomach hurts in the middle portion, has a history of hemorrhoids and fissure but has not had a BM due to not eating
GU: [redacted], no concerns otherwise, urinating without difficulty
EXT: states multiple areas of injury on arms, some old and some new. He received 3 injections as a child which gave him scars on the L upper arm (possible smallpox).

Physical Exam
BP 130/72 P 88 R 18 T 97.5 Wt 148 lbs
HEENT: well healed linear scar noted connecting eyebrows, no other injuries noted; TMs clear bilaterally; PERRL, EOMI, fundi without gross lesions; nares without exudates or lesions; mouth with reasonable dentition, slight anterior-posterior shifting of 2nd molar upper R jaw noted (tooth indicated by patient to be involved), tongue midline, mucous membranes moist, no pharyngeal exudates or blood noted.
NECK: supple, shoddy adenopathy anteriorly and posteriorly, linear superficial scratches noted L lateral neck starting just inferior to ear and edge of mandible extending downward into a 2-3 cm erythematous area in the inferior aspect of the L neck, no hematoma noted
LUNGS: clear to auscultation bilaterally
CV: RRR no m/r/g
CHEST: stria noted extending from axilla to superior aspect of shoulders bilaterally, supraclavicular area with significant loss of subcutaneous tissue, tenderness to palpation over the L mid sternal border in area approximately 1 cm diameter—no bruising noted here. Scars: flat, oval scar approximately 2 x 1 cm on R chest wall lateral to nipple. Eccymosis: 1) yellow, round, barely visible near stria on R, approximately 5 mm diameter; 2) L upper shoulder with round, approximately 5 mm diameter, bluish; 3) inferior aspect L ribs 2 areas; oval approximately 5 mm diameter each, bluish.

251

1348

BACK: full ROM without difficulty, normal skin contours noted, 3 pimples noted scattered over the back. Stria noted extending from axillary area over posterior aspect of shoulder. Marked tenderness noted in 5 mm diameter area over inferior aspect of L ribs just medial to L posterior axillary line. No pain on rib compression away from this area. Scars: 1) 5-6 cm diameter, flat, round well healed area at junction of scapula and L axilla; 2) multiple linear scars each 1-2 mm in length approximately 10 in a row with 5-7 rows along L flank/inferio-posterior ribs. Eccymosis: none noted.
ABD: soft, mildly tender over epigastric/mid abdominal area, NABS, no HSM. Scars: none noted. Eccymosis: oval 4x6 mm diameter, bluish, barely visible through hair, in RUQ.
GU: declined evaluation
UPPER EXT: full ROM, normal skin color and tone, thin. Scars: L upper outer arm with three 5-6 mm diameter, well healed, round lesions. Eccymosis: 1) medial aspect L arm just proximal to antecubital area with 3-4 mm diameter; 2) extreme medial aspect of R upper arm approximately mid humeral shaft with oval, 4-5 mm diameter, bluish; 3) two round, bluish, 3 mm diameter just distal to antecubital area medial R lower arm; 4) linear erythematous marks bilaterally overlying extreme distal ulna/radius in circumferential pattern.
LOWER EXT: Bilateral knees with full ROM, slight swelling of the pre-patellar bursa R>L, L medial joint line tenderness and pain on stress of MCL, negative Lachman's bilaterally, negative Posterior Drawer. Scars: 1) web space between 1st/2nd toes R dorsal foot, linear, stitch marks evident across scar; 2) round, R ankle over lateral maleolus 1 cm diameter. Eccymosis: 1) R knee with mild erythema over the pre-patellar bursa with 1 mm diameter superficial abrasion; 2) R knee medial and proximal to erythema, 3 mm diameter, brown; 3) L knee with round, 3 mm diameter, brown, inferior aspect of patella; 4) L knee, lateral aspect of patella with 3-4 mm diameter, bluish; 5) erythema over L lateral maleolus with mild swelling. Abrasions: 1) R knee abrasion noted above; 2) anterior ankle with superficial, round abrasion approximately 5 mm diameter, serosanguinous scab noted; 3) 2nd digit L foot, dorsum with 1-2 mm linear abrasion mid digit, barely visible; 4) posterior L ankle with 7 x 10 mm diameter oval, serosanguinous scab noted.

Assessment/Plan:
1. Hunger Strike—reported by the patient as 16 days long. Notable for weight loss over the last month though not dehydrated at the current time. Have reported the stated Hunger Strike to DOC for passing on to the Chaplain as well as to Psychology. Will initiate Medical Hunger Strike protocol and daily follow-up. Detainee noted to have done this before both intermittently and for prolonged periods of time.

2. Multiple superficial injuries stated by the patient to have occurred over the last 2 weeks. Stated source of injury for the various areas is consistent with the injuries noted today. Due to extreme inaccuracy of dating bruises, unable to time any of these injuries. The abrasions on the L ankle are superficial and consistent with healing abrasions 1-2 days old. They also correspond to the areas affected by shackles. Injury to L neck consistent with story provided by detainee of self-inflicted scratches.

252

1349

3. Chronic constipation—as he is not currently eating, he does not have any constipation issues (by his report). May become a problem again when he resumes eating. Recommend observation for now.

4. Latent TB—refusing treatment at this time.

Evaluation performed by [redacted]

Evaluation reviewed by [redacted]

[redacted] - ([redacted])

2 MPs

[redacted]

intr (+ and) = obs booth

[redacted] - NE AR

Intel

[redacted] lent to GST to assist w/ "fear-up" approach

- submit intr plan (prior to intr) → (S) reviews; (S)'s no man-handling

↳ other teams? SA guys have never observed, but more resistant guys → knows works folks longer → (S) → usually should

- int not supposed to push, pull, hit, etc

[redacted] reviewed int plan from incident. [redacted] told (S)

"fear up"
mild - using sources own fears
to
harsh - creates environment of
yell scream kick furniture
→ no threat of app to use force
→ don't use phys force

heard of
sexual touching/ rubbing? hearsay only

int plan stops @ team chief unless
it has questionable techniques...

how heard of me [redacted] called @
at home, @ came in & met w/
45 m
in booth
described me; c/o didn't like
that unecop? fear up → yellow
det doing exercises, removed furniture.
MP on each arm, hold det...
get down & up 12 times, search
bringing feet on ground, ...

1526

255

1352

thought head hit floor; MPs had complete control entire time, head did not hit floor

↳ Ⓢ would have sent up chain for approval

– [redacted] had mtg w/ CST → talked of ↑ yelling + doing PT (sect to include)

civ: [redacted] ?

guidance by [redacted] → do you understand limitations? Since this, gotten very specific. Do people think they can do this?
interr follow plans careful, don't know who's in booth.

we own the night – maybe "W:" people reading into that?

fear up - 1 of 14 approaches and
[redacted] - good record / no problems.
⊖ tells to have MPs who are trained
move detainee; doesn't believe det.
was in danger
- not trained to use physical force

SZS

257

1354

[redacted] A. [redacted]
A Company 2-10 MI
Florida

[redacted] - [redacted] - approved plan

~~[illegible]~~ (S) asked [redacted] if could help

[redacted] came up w/ plan, met w/ team in booth; explained

mild - putting doubt in det mind

"fear up" harsh - yelling to make cooperate

- (S) told MPs to bein booth - safety
↳ can't put both foot shackles in E-bolt in Gold booth

- hands free, one leg bolted to floor

- No contact w/ team ch - [redacted] on leave; acting team ch - [redacted] did not have det file

- only wanted (S) for fear up harsh

- contract to cooperate → go rip up; "used up all chances"

P25

258 1355

..anything. [illegible] for Bosnia - climbing up, giving up on [illegible], stopped - closed eyes

- must exhaust all avenues before [illegible] up hands (FCIA)

- "we did a couple of stand-up/sit-downs"

..- didn't want to

... told to [illegible] 2 seconds, MPs

... assisted getting up @ [illegible] direction

- started to say something then stopped

stand up/kneel → 10-12 times "not malicious", over 7 or 8 minutes

@ left room to talk to [redacted]

Read several times

- used technique before? - yes, brought on by [redacted] (see out there on it)

Techniques taught by [illegible]

why ok for MPs to handle

MPs trained, how to handle. MPs assisted in [illegible] [redacted] for safety.

826

259

1356

aware of abrasions/bruises? no
3 told det. likes to scratch/harm himself (acc. to beh. health) ...

3 doesn't know what happened before he came into booth.

---

3 stomped foot; did work little by little

FLH - [illegible] understanding that PT is ok? where learn that? training as interr through [redacted] course....
who taught you to do what here?
[illegible] [redacted] has a "sheet",
who told you to use this method?
-taught @ Az- Huachuca.
- app of MPs to help det up/down. diff than compliance
- det shaking, could be gelatin;
MPs got closer - back up
- used before - ID on "my" detainees

135

~~260~~

1357

sugg to use method - [redacted]

S finished FUH + left book → heard complaint was filed

[redacted] (ACS) filed complaint (doesn't know)

S → talked w [redacted] offices

[redacted] said there can interfere + app that is out stupidity"

CG under auth physical force, which is what happened.

S -

Y didn't [redacted] blew under if something was wrong wrong?

S - 1st time using FUH

DJS

261

1358

[redacted] [redacted] - MP

may make stand for a bit to get chair.

Assists getting up from shackled position to "stand up", not to exercise!

*would stop any questionable behavior: any type physical harm

not working that night

262

1359

[redacted] Psychiatry
(Behavioral Science)

[redacted] - original interr
- talked to a few times - no production
→ brought in male int; all
females prior to then months
⊗ - 4 observations; no words, usually
doesn't even open eyes. exc. Whiteford →
"fascination"

⊗ read file before going into booth

get MFR on det

[redacted] - ⊗ says may work w/
male interr → told to use friendly
approach; det started to respond
- det. always demand stuff → [redacted]
able to effectively stop dem + get some
info — shuts eyes + crouches
down
FBI Approach - "[redacted] (b)(1)

263

1360

between
1900 - 2200

↓

firm, dominant approach.

"too tired; going to go to sleep"

Ⓢ tells to move chairs - safety of detainee

told to stand up; won't comply,

brings MPs to assist; MPs Ⓓ stand

up & move chair. [redacted] kneels;

MPs put down & get up → 1 or 2 X

[redacted] leaves booth + asks Ⓢ for

help;

method has been used before

Ⓢ told [redacted] try a couple more X;

[redacted] does, then lets sit, MPs hold

onto → (will fall down on purpose)

"passive aggressive"

10-12 X; asked Ⓢ what to do → Ⓢ

MPs exhausted
send home, try tomorrow

Ⓢ secured chow

[redacted] cw arguing; [redacted] told Ⓢ

about later

SOS

264

1361

teach ⓢ from
used before? - talking to interr;
90% of det. do up/down on own.
this det. will go down face first but
not get up; MPs secured by arms for
safety reasons.

det
very manipulative

ⓢ wrote support form → interr.
summary

Y think method effective in non-compliant:
purposely non-compliant, this
install interr. dominance in room;
no harm to either

ⓢ says:
[redacted] - one of the most effective interr;
incredibly effective
spoke w/ [redacted] - ⓢ + Speckle
5 day prior = before going into booth

265

1362

who approves weakening of det?
team chiefs

never seen IP with FULL details.
-MPs in booths a lot
this method? MPs → safety of det + interrogation
→ leadership approval of that technique - team chief; doesn't know about [redacted]

⊗ would have sent MPs in based on previous behavior

~~[illegible] [illegible] approaches~~?

intrr controls booth; after 12. x;
⊗ says not to continue → take back to cell (near prayer time)

2666

Z-JS

1363

stands by [redacted] judgement that night.

[?] has seen this method used on non-compliant detainees

267

1364

[redacted]

415 MI Company
368 MI Battalion
California

- analyst
- [redacted] (b)(1)

"HUA" or exercises
- drafted deal; det didn't want → moved to exercises
→ done "exercises" 1 other time w/ Scarpotto
↳ who's idea → could do PT?→ talking to other teams + her 2 under
if he doesn't comply, MPs assist
- common knowledge
- MPs control detainee

→ while developing IP; have daily mtgs re; mt w/ BSCUIT
- very planned procedures
[redacted] app IP; exercises talked about ahead of time
(no [redacted])
- ~~Scarpotto~~ Real, her +

F&S

268

1365

why this method helpful?
to get them on edge + to sneak questions in

who told MPs to assist? they asked MPs: do you know how to assist in PT? they said "yes" - moved chairs out + held under armpits whole time...

exercises:
controlled, under armpits (MPs), opp to comply, showed what to do, nothing violent or out of ordinary. ≈ 10-12x ≈ 45 min, breaks in between — MPs let go, det standing, Sands asking Real what to do, go in + out

MPs left during breaks; left det standing, watched at all times
who linguist? - not sure (male)

Lunquist -
there for initial part, but left
before exercises

intern
≈1600-2130; had meal secured
if missed meal, get MREs.

270

1367

IS² [redacted]
(analyst)
[redacted] - threw off sleep schedule, scare, shake-up

offered agreement - det denied
"FLLH" - not sure of latitude - yell, insult, kneel down + stand up, walk around to wake up
- if doesn't comply, MP assists with minimal force necessary

that evening:
[redacted] FLLH; det started to talk a little; yell, kneel down/stand up;
[redacted] left booth to ask what to do next.
≈ 45 minutes; not going to get anything else

[redacted] + other female watching monitor, didn't say anything during interr, or show any concern

knew MPs treating
controlled, didn't go beyond
what [redacted] wanted → up & down.

technique used before?
several times w/ non-compliant
dets
- up & down - kneeling to standing
freq? → not sure of guideline

● thinks effective &
shows who's boss & sense of
futility

[redacted]
ACS contractor

[redacted] CST

reviewed IP
not in any mtgs
not familiar w/ det

"FLLH" - lot of yelling, maybe flips lights on/off, talk of snakes spiders, etc → verbal only
↳ aware of compulsive exercises? → not aware that was FLLH
- aware of forced exercises? no
has seen MP tells "sit/stand" - they comply

21 Jan 03 arrived GTMO

never heard [redacted] approve ~~say~~ techniques
↳ never seen FLLH w/ MP assisting

NTS

~~273~~

1370

w/ down or up.
MDS from 1980.
no feedback on approaches used

[redacted]

IRR

[redacted] interrogator | 5 yrs active

rapport-building
FLIH → yelling, up/down phys compl
exercises running around bldg
↳ whose idea? doesn't know;
[redacted] talked about in school house
No control booth
↳
"just kinda happened"; team talked
about it; not ③' idea

what would this accomplish?
Shake him up a little

obs [redacted] do up/down? doesn't
remember; have done before
[redacted] yells "up/down", if not compliant,
MP assisted

~~276~~

~~275~~

controlled movements by MPs.

- 1 other time before 22nd ward up/down.

[redacted] - PCS - civ
H [redacted] W [redacted] (or?)

4 Apr 03 arrived Gtmo
interr: [redacted]

[redacted] @ → [redacted] (analy)
in booth

MP on either side, [redacted] in front of det.

tactical battlefield experience
→ [redacted] getting louder/frust. interr; det looked
incoherent/ overly fatigued
- [redacted] stepped back, [redacted] takes
camera off det; cameras rolling in other rooms also
[redacted] yelled down
MPs push in back of knee, hits
knees on floor
slamming off floor very hard,
a lot of force on his body 6-7 X,
ling can't keep up w/ [redacted] → yelling
96
Guard @ gate asked "what the hell
was going on in there"

228

~~277~~
1374

≈ 17-18 X for total of 25-30 X
Left to go contact boss to stop
- tried to call for [redacted] - not home
- went back to booth + called [redacted]

det still standing, swaying a little.

way beyond what should have happened!
[redacted] did not touch, but in control of booth

Q + [redacted] talked
↳ explain what you were doing
considered the MPs & what you couldn't see is they pulled up on him at the last second so he didn't hit the ground hard.

I was stomping the floor
hands in front, MPs hit in back of knees, det head turned as it hit the floor ↓

277

278

- 1375

: didn't see blood, abrasions, etc
- very shaky...

≈ seconds in between up/down

[redacted] - [redacted] laughing
[redacted] ↳ "oh shit" [redacted] (b)(1)
[redacted]

weird position - no authority over,
so called his supervisor to get
guidance

279

1376